

# FISCAL NOTE

**Bill #:** HB0057 **Title:** Increase penalties for hit-and-run motor vehicle collisions  
**Primary Sponsor:** Jacobson, H **Status:** As Introduced

|                   |      |                                 |      |
|-------------------|------|---------------------------------|------|
| Sponsor signature | Date | Chuck Swysgood, Budget Director | Date |
|-------------------|------|---------------------------------|------|

## Fiscal Summary

|  | <b><u>FY 2004<br/>Difference</u></b> | <b><u>FY 2005<br/>Difference</u></b> |
|--|--------------------------------------|--------------------------------------|
| <b>Expenditures:</b>                       |                                      |                                      |
| General Fund                               | \$481,000                            | \$481,000                            |
| <b>Revenue:</b>                            |                                      |                                      |
| General Fund                               | \$115,000                            | \$115,000                            |
| <b>Net Impact on General Fund Balance:</b> | (\$366,000)                          | (\$366,000)                          |

|   |  |
|---|--|
| <input type="checkbox"/> Significant Local Gov. Impact    | <input type="checkbox"/> Technical Concerns                      |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts           |
| <input type="checkbox"/> Dedicated Revenue Form Attached  | <input checked="" type="checkbox"/> Needs to be included in HB 2 |

## Fiscal Analysis

### ASSUMPTIONS:

#### **Department of Justice**

1. This bill will have no fiscal impact on the Montana Highway Patrol (MHP). The MHP believes the same number of individuals convicted under current law would be the same under the new law.
2. The jail time attributable to the MHP would be the same as it is now.

#### **Department of Corrections**

3. The MHP verified that in 2002 there were four fatalities and 46 serious bodily injuries that were convicted as a misdemeanor under current law 61-7-103(2), MCA.
4. HB 57 changes 61-7-103(2), MCA, to recognize that if an individual is convicted in a hit-and-run accident that involves death or serious injury, such as the ones listed in assumption three, as a felony rather than a misdemeanor.
5. General fund cost for incarceration per year in a contract bed for a male inmate is approximately \$18,500 and \$23,700 for a female inmate. Costs would be slightly lower if convicted felons were placed in pre-release centers and would be approximately \$1,350 per year if placed only on probation.
6. Based on the 2002 figures in assumption three, four of the fatalities were already convicted as felonies under other statutes. That leaves 46 convictions that would now be recognized as a felony.

**Fiscal Note Request HB0057, As Introduced**

(continued)

7. A felony allows convicts to be imprisoned for a term not to exceed 10 years or a fine not to exceed \$50,000, or both.
8. Fifty percent of the fine goes to local governments and 50 percent goes to the general fund.
9. A judge usually will rule a minimum sentence of one year and an average of a \$5,000 fine.
10. Out of the 46 convictions, 20 will be female and 26 will be male.
11. The cost will be \$481,000 per year.  $(20 \times \$23,700) + (26 \times \$18,500) = \$481,000$ .
12. The revenue to the general fund will be \$115,000 per year.  $(46 \times \$5,000 = \$230,000 / 2 = \$115,000)$
13. The DOC has no data allowing prediction of judicial sentencing patterns that would result from this bill.
14. The assumptions are only based on activity from the MHP and do not include activity from cities and counties.

**FISCAL IMPACT:**

| <b>Department of Corrections</b>   | <b>FY 2004</b>           | <b>FY 2005</b>           |
|--|--------------------------|--------------------------|
| <b>Secure Care</b>   | <b><u>Difference</u></b> | <b><u>Difference</u></b> |
| <u>Expenditures:</u>   |                          |                          |
| Operating Expenses   | \$481,000                | \$481,000                |
| <u>Funding of Expenditures:</u>  |                          |                          |
| General Fund (01)  | \$481,000                | \$481,000                |
| <u>Revenues:</u>   |                          |                          |
| General Fund (01)  | \$115,000                | \$115,000                |
| <u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u> |                          |                          |
| General Fund (01)  | (\$366,000)              | (\$366,000)              |

**EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:**

The fiscal impact of the clarification of where a violator would be incarcerated should be minimal depending on the circumstances of the violation and incarceration.